

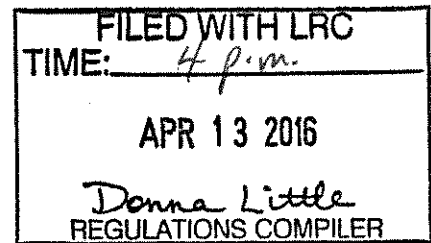
## **301 KAR 2:095**

### **Importation of cervid carcasses and parts**

This administrative regulation establishes procedures for the importation and possession of whole cervid carcasses or carcass parts from states or Canadian provinces that have documented cases of Chronic Wasting Disease (CWD).

### **Significant Changes**

This amendment changes the definition of an infected state to an infected area, that will now include Canadian provinces. The amendment also allows a deer processor to accept a carcass part from a hunter who has taken an animal in a CWD-positive area. The processor must notify the Kentucky Department of Fish and Wildlife Resources, provide the name and address of the hunter, and transfer the carcass skeleton, skull and brain to the Kentucky Department of Fish and Wildlife Resources to be in compliance.



1 TOURISM, ARTS AND HERITAGE CABINET  
2 Kentucky Department of Fish and Wildlife Resources  
3 (Amendment)  
4 301 KAR 2:095. Importation of cervid carcasses and parts.  
5 RELATES TO: KRS 150.180, 150.280, 150.290  
6 STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.720(2)  
7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the  
8 department to promulgate administrative regulations governing the buying, selling, or  
9 transporting of wildlife ~~[reasonably necessary to carry out the purposes of KRS Chapter 150].~~  
10 KRS 150.720(2) authorizes the department and the Department of Agriculture to hold a person  
11 responsible for all costs incurred in the investigation, response, and eradication of a disease if the  
12 person imports a diseased animal into the Commonwealth. This administrative regulation  
13 establishes procedures for the importation and possession of whole cervid carcasses or carcass  
14 parts from states or Canadian provinces that have known cases of chronic wasting disease.  
15 Section 1. Definitions. (1) "Cervid" means a member of the family Cervidae.  
16 (2) "Chronic wasting disease" or "CWD" means a fatal disease affecting the brain of cervids  
17 which belongs to a group of diseases called transmissible spongiform encephalopathies.  
18 (3) "Clean" means having no meat matter or tissue attached to the carcass part.  
19 (4) "Importation" means the transportation of a cervid carcass or carcass part into the  
20 Commonwealth.  
21 (5) "Infected area [state]" means a state or Canadian province that has a known case of chronic

1   wasting disease.

2   (6) "Whole" means the entire carcass whether eviscerated or not, prior to the carcass being  
3   processed.

4   Section 2. Importation and Possession. (1) A person shall not import or possess a whole cervid  
5   carcass or carcass part from an infected area [state] without first converting the carcass or part,  
6   pursuant to subsection (2) and (3) of this section.

7   (2) A person may import a cervid carcass or a carcass part from an infected area [state] if the  
8   carcass or carcass part does not have any part of the spinal column or head attached;

9   (3) A person may possess the following inedible parts of a legally taken cervid carcass [~~lawfully~~  
10   ~~taken~~] from an infected area [state]:

11   (a) Antlers;

12   (b) Antlers that are attached to a clean skull plate;

13   (c) A clean skull;

14   (d) Clean upper canine teeth;

15   (e) A finished taxidermy product; or

16   (f) The hide.

17   (4) A licensed taxidermist or deer processor may accept a cervid head with an intact skull, spinal  
18   column, or spinal column part originating from an infected area [state] if the taxidermist or deer  
19   processor:

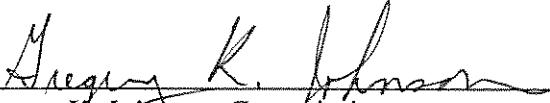
20   (a) Contacts the department within forty-eight (48) hours after receiving the cervid head, spinal  
21   column, or spinal column part;

22   (b) Provides to the department the hunter's;

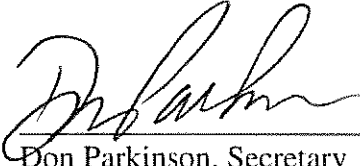
23   1. name; and

- 1 2. address; and
- 2 (c) Transfers all spinal column parts and the skull with the intact brain to the department once the
- 3 skull plate has been removed.

Approved by the Fish and Wildlife Commission



Gregory K. Johnson, Commissioner  
Department of Fish and Wildlife Resources



Don Parkinson, Secretary  
Tourism, Arts and Heritage Cabinet



Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on May 23, 2016, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by May 31, 2016.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack  
Department of Fish and Wildlife Resources  
Arnold L. Mitchell Building  
#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
(502) 564-7109, Extension 4507  
FAX (502) 564-9136  
Email: [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

## **REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

301 KAR 2:095. Importation of cervid carcasses and parts

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes procedures for the importation and possession of whole cervid carcasses or carcass parts from states or Canadian provinces that have documented cases of Chronic Wasting Disease (CWD).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to prevent the importation of cervid parts most likely to be contaminated with the agent that causes CWD.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish the requirements for the transportation of wildlife. KRS 150.720(2) authorizes the department to hold individuals responsible for violating administrative regulations regarding the importation of diseased animals into the state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the administration of the statutes by helping to protect the state's deer and elk herds from CWD.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment changes the definition of an infected state to an infected area, that will now include Canadian provinces. The amendment also allows a deer processor to accept a carcass part from a hunter who has taken an animal in a CWD-positive area. The processor must notify the department, provide the name and address of the hunter, and transfer the carcass skeleton, skull and brain to the department to be in compliance.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to prohibit carcass parts from CWD-positive Canadian provinces and to allow deer processors to accept certain cervid parts from CWD-positive areas, to report cases of illegal importation of these parts, and to transfer possession of these parts to the department.

(c) How the amendment conforms to the content of the authorizing statutes: See 1 (c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1 (d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All deer and elk hunters from Kentucky who transport legally taken deer and elk from CWD-positive areas will be affected. The number of affected hunters is unknown. Currently deer processors are unlicensed by the department and the number of processors in Kentucky is also unknown.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Hunters who hunt in Canadian provinces that are CWD-positive will not be allowed to import a carcass or carcass parts from these areas. A processor who accepts a whole carcass or carcass parts from a CWD-positive area must report this to the department within 48 hours, provide the department with the name and address of the hunter, and transfer possession of high-risk cervid parts to the department.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): A processor will be allowed to accept and process the animal that has been imported illegally by a hunter without penalty if the processor contacts the department and provides the required information.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no initial cost to the agency to implement this regulation.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applied because all individuals, taxidermists, and deer processors are treated equally.



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:095

Contact Person: Rose Mack

Phone Number: (502) 564-3400

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be affected by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) and 150.720(2).

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no administrative costs for the first year

(d) How much will it cost to administer this program for subsequent years? There will be no administrative costs for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: